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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT SEATTLE

8                   UNITED STATES OF AMERICA ex rel.  
9                   EDWARD HARRIS,

10                  Plaintiff/Relators,

11                  v.

12                  ALAN RITCHIEY, INC., et al.,

13                  Defendants.

No. C00-2191Z

MINUTE ORDER

14                  UNITED STATES OF AMERICA ex rel.  
15                  CECIL G. JORGENSEN and ALLEN K.  
16                  GREGORY,

17                  Plaintiff/Relators,

18                  v.

19                  ALAN RITCHIEY, INC., et al.,

Defendants.

20  
21                  The following Minute Order is made by direction of the Court, the Honorable Thomas  
S. Zilly, United States District Judge:

22                  (1) Defendant Alan Ritchey, Inc.'s motion for partial dismissal, docket no. 103, is  
23 GRANTED. To the extent that relators Cecil Jorgenson and Allen Gregory allege in their  
24 Fourth Amended Complaint any claims under the False Claims Act, 31 U.S.C. §§ 3729-  
3733, relating to palletized mail transport equipment ("MTE"), such claims are barred, and  
therefore DISMISSED with prejudice, because relator Edward Harris was the first to file.  
25 See 31 U.S.C. § 3730(b)(5); Campbell v. Redding Med. Ctr., 421 F.3d 817, 818 (9th Cir.  
26 2005). Jorgenson's and Gregory's Fourth Amended Complaint was filed on January 7, 2007,  
see docket no. 89 in Case No. C01-588Z, while Harris's Second Amended Complaint was  
filed on September 8, 2006, see docket no. 84 in Case No. 00-2191Z. See also Order at 4

1 (docket no. 90) (Harris's "Second Amended Complaint alleges in detail that [Alan Ritchey,  
2 Inc. ("ARI")] fraudulently replacarded MTE units so it could bill the United States for work  
ARI employees did not perform.").

3 (2) Having advised the Court of a settlement of relator Harris's claims, see docket  
4 nos. 103 & 121, the United States, relator Harris, relators Jorgenson and Gregory, and Alan  
Ritchey, Inc. are hereby directed to SHOW CAUSE by March 7, 2008, why Harris's claims  
should not be dismissed without prejudice and without an award of costs or fees.

5 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of  
6 record.

7 Filed and entered this 25th day of February 2008.  
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9 BRUCE RIFKIN, Clerk

10 s/ Claudia Hawney

11 By \_\_\_\_\_  
12 Claudia Hawney  
Deputy Clerk

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